



February 2, 2022

VIA ECF

Hon. J. Paul Oetken
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: United States v. Martin Concepcion, 19-CR-883 (JPO)
Consent Request for Change in Motion and Conference Schedule

Dear Judge Oetken:

With the consent of the Government, we write on behalf of Mr. Martin Concepcion and counsel for Mr. Michael Valdez, to request a 30-day extension of the current motion schedule and the next conference date. Currently defense motions are due in this matter on February 4, 2022. A conference is scheduled for March 4, 2022. We request that the Court extend the defense motion due date to March 4, 2022, and the conference to a date 30 days thereafter that is convenient to the Court. The Government has no objection to this request. The defense consents to the tolling of speedy trial time. Counsel for both defendants are engaged in plea discussions with the Government. An extension of the motion schedule would allow the necessary time to meet in-person with our clients in order to facilitate plea negotiations in this matter.

We have not been able to conduct in-person meetings with our clients as a result of COVID-related shutdowns affecting Essex County Correctional Facility (ECCF), where Mr. Concepcion has been detained and the Metropolitan Detention Center (MDC Brooklyn) where Mr. Valdez has been detained. Both institutions have been shuttered since the Christmas Holiday. ECCF reopened on January 31, 2022, and is only allowing attorney window visits by appointment, made 24 hours in advance. MDC Brooklyn is still closed to attorney visitation as a result of a nationwide BOP shutdown related to gang violence at an institution in Texas.

Although we have been able to communicate with our clients via telephone, it is our professional experience and opinion that in-person consultation promotes trust and produces quality and extensive communication with our clients, which is necessary for an effective attorney client relationship. That trust is necessary in order to effectively discuss all the issues involved in accepting a guilty plea in this matter. Further, our clients' inability to review discovery at their facilities, and our ability to review discovery with them in-person, has limited our ability to provide effective representation to our clients with respect to plea negotiations.¹

¹ There is sensitive discovery that has only recently been mailed to Mr. Concepcion at ECCF for his review and has not yet been received.

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Accordingly, we ask that the Court grant a 30-day extension of the motion schedule and March 4, 2022 conference. We thank the Court in advance for its consideration of this matter.

Respectfully submitted,

s/ *Judith Vargas*

Judith Vargas, Esq.

Karloff C. Commissiong

Karloff C. Commissiong, Esq.

Attorneys for Mr. Martin Concepcion

cc: AUSA David Robles
Margaret Shalley, Esq.

Granted. Motions are due by March 4, 2022, with responses due by March 18, 2022. The pretrial conference is adjourned to April 8, 2022 at 12:00 pm. The Court hereby excludes time through April 8, 2022, under the Speedy Trial Act, 18 USC 3161(h)(7)(A), finding that the ends of justice outweigh the interests of the public and the defendants in a speedy trial.

So ordered: February 3, 2022

J. Paul Oetken
J. PAUL OETKEN
United States District Judge